

Exhibit C-45: Notice of Withdrawal
and Re-Issued Mitigated
Determination of Non-Significance
(April 15, 2021)

NOTICE OF WITHDRAWN and RE-ISSUED MDNS

SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)

for

Concrete Nor'West

File #'s PL16-0097 & PL16-0098

Notice is hereby given that on April 15, 2021, Skagit County Planning and Development Services is withdrawing the SEPA MDNS issued on May 26, 2016 and re-issuing the threshold determination for the project described below. This action is being taken because it was discovered that some of the parties of record were not notified of the original MDNS.

PROJECT DESCRIPTION: Skagit County Planning and Development Services reviewed the State Environmental Policy Act (SEPA) checklist file in conjunction with Special Use Permit application PL16-0097. The project proposal is for a mining special use permit and forest practice conversion application (PL16-0098) to develop a gravel mining operation on parcels P50155, P123644 & P125645. To facilitate development, the applicant proposes to harvest approximately 50,000 board feet of timber on 68 acres, remove the stumps, and convert the parcels to a gravel mining operation. The gravel mining operation will excavate approximately 4,280,000 cubic yards of sand & gravel from the site over an approximately 25-year period. Gravel will be removed from the site by truck and trailer, generating an average of approximately 46 truck trips per day. The material will be transported to Concrete Nor'West's nearby facilities for processing or sold directly to the market. Operations onsite will be limited to excavation and fueling. No processing is proposed onsite. The applicant is proposing to haul material from 7:00 AM to 5:00 PM Monday through Friday, and site operations will be limited to 7:00 AM to 5:00 PM Monday through Saturday. The site is accessed from Grip Road on an existing private gravel road currently used by the applicant for forest practice activities. The parcels are located within the mineral resource overlay and the Rural Resource – Natural Resource Land zoning/comprehensive plan designated area. Both applications were determined to be complete on March 22, 2016 and a letter of completeness was issued for the applications. Additional information is available at the Skagit County Planning and Development Services website:

<https://www.skagitcounty.net/Departments/PlanningAndPermit/gravelmine.htm>

PROPONENT/CONTACT PERSON: Concrete Nor'West, c/o Dan Cox, PO Box 280, Mount Vernon, WA 98273.

PROJECT LOCATION: The mining proposal is located approximately 1.54 miles north of Grip Road and south/southwest of the Samish River, within a portion of the southeast quarter of Section 27, Township 36 North, Range 4 East, Skagit County, WA (Parcels P50155, P125644 & P125645).

LEAD AGENCY: Skagit County Planning and Development Services.

Although the initial SEPA MDNS threshold determination was not distributed to all parties of record, a second Notice of Development Application was issued on December 15, 2016 extending the comment period. Public response to the second notice of development application following the former SEPA threshold determination indicated additional public concern about impacts of the mining proposal on the following elements of the built and natural environment:

- Cultural resources,

- Current traffic conditions,
- Noise & vibration impacts to nearby residences,
- Impacts to ESA listed species, and
- Groundwater pollution resulting from mining activities.

At the request of Skagit County Planning and Development Services, the applicant has submitted the following assessments and studies evaluating the mining proposals impacts on the above referenced resources.

- Hydrogeologic Site Assessment (August 21, 2015).
- A report identifying the ordinary high water mark (OHWM) of the Samish River (May 18, 2015).
- Fish and Wildlife Assessment (August 20, 2015).
 - Addendum to Fish and Wildlife Assessment further evaluating ESA listed species (April 18, 2017).
- Grip Road Preliminary Traffic Information (February 8, 2016).
 - Addendum: Maximum Daily Truck Traffic (November 30, 2016).
 - Traffic Memorandum: response to Skagit County Request (April 13, 2020)
- Fugitive Dust Control Plan (March 2016).
- Cultural Resources Assessment (March 9, 2017).
- Grip Road Mine Noise and Vibration Study (February 20, 2018).
 - Revised Noise and Vibration Study (July 18, 2018)
 - Revised Noise and Vibration Study (November 21, 2018)
 - Revised Noise and Vibration Study (October 7, 2019)
- Bridge load rating memorandum (April 13, 2017).
- Traffic Impact Analysis for Grip Road Mine (October 8, 2020)

Based on the review of the additional information and studies submitted, this SEPA threshold determination reflects the findings of those assessments, plans, and studies and modifies the former withdrawn SEPA threshold determination.

The lead agency for this proposal has determined that with appropriate mitigation this project does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

The lead agency has determined that the requirements for environmental analysis, protection, and mitigation measures in Skagit County Code, Skagit County's Comprehensive Plan adopted under RCW 36.70A and in other applicable local, state, or federal laws and rules, provide adequate analysis of and mitigation for the specific adverse environmental impacts of the project action to which the requirements apply. This determination is subject to the mitigated measures as identified below and shall be deemed conditions of approval of the land use and/or permit pursuant to Skagit County Code 16.12 and RCW 43.21. Such conditions are considered binding and may not be altered by subsequent decisions unless a threshold determination is re-issued.

1. The public right-of-way shall be kept clean. Tracking of mud and debris offsite shall not be allowed.
2. Temporary erosion/sedimentation control measures, as approved by the Skagit County, shall be in

- place prior to initiation of mining activities. The applicant shall maintain all temporary erosion/sedimentation control measures in accordance with the Skagit County Stormwater management Ordinance. Said measures shall remain in place until completion of the project.
3. The applicant shall comply with Northwest Clean Air Agency requirements for mining related activities both on and offsite. Visible dust generation shall require immediate best management plan (BMP) implementation as described in the Concrete Nor'West Grip Road Mine Fugitive Dust Control Plan.
 4. The applicant shall comply with the provisions of Skagit County's Critical Areas Ordinance. No development or disturbance of soil, vegetation or water may occur within critical areas and associated buffers.
 5. The project shall comply with noise, vibration, and light/glare limitations as per SCC 14.16.840.
 6. The project is limited to those activities described in the SEPA checklist and supporting documents. Significant deviation from the proposal may require additional review and approval by Skagit County Planning and Development Services.
 7. The applicant shall comply with the provisions of Washington State Administrative Code (WAC) 173-200 & 173-201A as required to prevent surface water quality and groundwater impacts. Best Management Practices shall be utilized to prevent interference and/or degradation of water quality.
 8. No gravel mining operations shall occur within 10 feet of the groundwater table as established by the Hydrogeologic Site Assessment report by Associated Earth Sciences, dated August 21, 2015.
 9. A Construction Stormwater General Permit (NPDES) may be required by the Department of Ecology (WSDOE) for this project. Contact the WSDOE Bellingham Field Office at (360) 715-5200 to determine if an NPDES permit is required.
 10. A class IV General forest practice permit shall be obtained from the Washington Department of Natural Resources prior to harvest of any trees onsite.
 11. Should any human remains, archaeological, historic or cultural resources be discovered during construction, work in the affected area shall cease immediately and the area shall be secured. Within 24 hours of discovery, or as soon thereafter as possible, the owner/applicant shall notify the Skagit County Sheriffs office, Skagit County Planning and Development Services, the Washington Department of Archaeology and Historic Preservation and affected tribal governments. If following consultation with all parties it is determined additional archaeological and cultural resource assessment is required, the owner or operator of the mining operation shall retain the services of a professional archaeologist to prepare an assessment. Project work in the affected area shall only continue when in conformance with applicable state and federal laws.
 12. The applicant shall either:
 - (1) not utilize trucks with trailers to haul material to or from the mine; **or**
 - (2) prior to operating the mine the applicant shall design and construct improvements to the two (2) sharp turns immediately east of the intersection of Prairie Road and Old Highway 99N ("road improvements") to mitigate for trucks with trailers crossing over the center line while turning at said locations. Said road improvements shall be constructed at the applicant's sole cost, expense and liability, shall be constructed in accordance with plans and specifications reviewed and approved by the Skagit County Engineer, and shall be constructed in accordance with all applicable laws, rules, regulations, and standards.
 13. The Applicant shall purchase and install, at Applicants' expense, a traffic activated flashing beacon system in the area of the Grip Road and Prairie Road intersection to address sight distance deficiencies. The Applicant will submit a proposed plan for review and approval to the Skagit County Engineer. All equipment and signage to be installed shall meet the standards and

specifications of the Skagit County Public Works. After installation and acceptance by the Skagit County Engineer, said equipment will be turned over to Skagit County for ongoing operation and maintenance.

14. The Applicant shall purchase and install at Applicants' expense, a traffic activated flashing beacon system in the area of the Grip Road and Mine Access Road intersection to address sight distance deficiencies. The Applicant will submit a proposed plan for review and approval to the Skagit County Engineer. All equipment and signage that is to be installed shall meet the standards and specifications of the Skagit County Public Works. After installation and acceptance by the Skagit County Engineer, said equipment will be turned over to Skagit County for ongoing operation and maintenance.
15. The Applicant shall comply with all Skagit County load restrictions on the Samish River bridge on Old Highway 99N. If the dump truck/pup trailer combinations exceed the load restrictions, the Applicant will use Interstate 5 for southbound access to the Belleville pit located on Old Highway 99N south of the Samish River Bridge until such time as the bridge is improved.

A copy of the MDNS and special use permit shall be kept onsite and made available to inspecting agencies. Failure to comply with any of these conditions will result in all work on the site being stopped until the condition is remedied. This MDNS is issued under WAC 197-11-350. The lead agency will not act on this proposal for 15 days from the date of the publication below.

Written comments must be received no later than 4:30 pm on: **April 30, 2021**

Email correspondence will not be accepted, however comments may be submitted via the PDS website under "recent legal notices" tab. (www.skagitcounty.net/pdscomments)

You may appeal this threshold determination in accordance with Skagit County Code 14.06 and 16.12 and then by filing such with Skagit County Planning and Development Services for service to the SEPA responsible official within fourteen (14) calendar days after the date of the threshold determination.

Appeals must be submitted no later than **May 14, 2021**

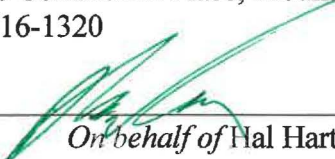
RESPONSIBLE OFFICIAL: Director of Planning and Development Services

CONTACT PERSON: Michael Cerbone, Assistant Director

ADDRESS: 1800 Continental Place, Mount Vernon, WA 98273.

PHONE: (360) 416-1320

Date 04-15-2021



On behalf of Hal Hart

AICP, Administrative Official

cc: WDOT, WDNr, WDOE, Skagit County Public Works, NW Clean Air Agency, Skagit County Fire Marshal, WSDF&W, Skagit River Systems Coop, Army Corps., DHAP, Samish Indian Nation, Upper Skagit Indian Tribe, Skagit County Health Department, Applicant, parties of record

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